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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,063	09/13/2007	Michael Ashley	WPT0141PUSA	5416
22045	7590	10/08/2008	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			PICO, ERIC E	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,063	Applicant(s) ASHLEY ET AL.	
	Examiner ERIC PICO	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/02/2007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim(s) 1-8 and 17-20** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Grisby U.S. Patent No. 1432063.

3. **Regarding claim 1**, Grisby discloses an access tower comprising a base 2, a scissor lift means 10 having a lower end mounted on the base 2, a working platform 19 mounted at an upper end of the scissor lift means 10 and means 32, 38 for applying a force to the lower end of the scissor lift means 10 to urge the scissor lift means 10 into an extended condition.

4. **Regarding claim 2**, Grisby discloses wherein the means for applying a force comprises biasing means 38 acting on the lower end of the scissor lift means 10 which urge the scissor lift means 10 into the extended condition, Page 2, Lines 49-53.

5. **Regarding claim 3**, Grisby discloses wherein the biasing means 38 acts only on the lower end of the scissor lift means 10.

6. **Regarding claim 4**, Grisby discloses wherein the biasing means 38 comprises spring means 38.

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7. **Regarding claim 5**, Grisby discloses wherein the spring means 38 comprises a spring selected from the group consisting of a tension spring means and a compression spring means.

8. **Regarding claim 6**, Grisby discloses wherein the spring means 38 acts on a mounting 40 which is movably mounted on the base 2.

9. **Regarding claim 7**, Grisby discloses wherein the mounting comprises a block 40 which is slidably disposed with respect to the base 2.

10. **Regarding claim 8**, Grisby discloses wherein the block 40 is slidably disposed in a hollow frame member 4, 5 forming part of the base 2.

11. **Regarding claim 17**, Grisby discloses an access tower comprising a base 2, scissor lift means 10 having a lower end mounted on the base 2 and a working platform 19 mounted at an upper end of the scissor lift means 10, the scissor lift means 10 comprising two spaced-apart lazy tongs assemblies 10 and further comprising a plurality of laterally extending bars 12, 14 extending between the two lazy tongs assemblies 10.

12. **Regarding claim 18**, Grisby discloses wherein the laterally extending bars 12, 14 extend between load-supporting members on each of the two lazy tongs assemblies 10.

13. **Regarding claim 19**, Grisby discloses wherein the laterally extending bars 12, 14 form a pivot for each of the two lazy tongs assemblies 10.

14. **Regarding claim 20**, Grisby discloses wherein the scissor lift means 10 comprises a laterally-extending bar 12, 14 mounted on a linkage connected to one or

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both of the lazy tongs assemblies 10 which causes the bar 12, 14 to rise and fall with the scissor lift means 10.

15. **Claim(s) 1, 2, 9, and 10** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Rowan et al. U.S. Patent No. 5722513.

16. **Regarding claim 1**, Rowan et al. discloses an access tower comprising a base 12, a scissor lift means 16 having a lower end mounted on the base 12, a working platform 14 mounted at an upper end of the scissor lift means 16 and means 62 for applying a force to the lower end of the scissor lift means 16 to urge the scissor lift means 16 into an extended condition.

17. **Regarding claim 2**, Rowan et al. discloses wherein the means 62 for applying a force comprises biasing means 62 acting on the lower end of the scissor lift means 16 which urge the scissor lift means 16 into the extended condition.

18. **Regarding claim 9 and 10**, Rowan et al. discloses wherein the biasing means 62 applies a force which compensates for at least 75% and for substantially 100% of an effort required to raise the access tower to an erected condition.

19. **Claim(s) 1, 11-17, 20, and 21** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Sikli U.S. Patent No. 4113065.

20. **Regarding claim 11**, Sikli discloses an access tower comprising a base 22, a scissor lift means 20 having a lower end mounted on the base 22, a working platform 10 mounted at an upper end of the scissor lift means 20 and means for applying a force to the lower end of the scissor lift means 20 to urge the scissor lift means 20 into an extended condition.

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21. **Regarding claim 11**, Sikli discloses support means 26 for providing structural support to the scissor lift means 20 in the extended condition.
22. **Regarding claim 12**, Sikli discloses wherein the support means 26 comprises at least one telescopically extendible leg, extendible between a stowed condition and at least one predetermined extended condition.
23. **Regarding claim 13**, Sikli discloses wherein at least one telescopically extendible leg has a plurality of predetermined extended configurations so as to accommodate varying heights of the working platform 10 relative to the base 22.
24. **Regarding claim 14**, Sikli discloses wherein the support means 26 comprises a pair of telescopically extendible legs.
25. **Regarding claim 15**, Sikli discloses wherein the support means 26 is mountable on the access tower.
26. **Claim(s) 17, 20, and 21** is/are rejected under 35 U.S.C. 102(b) as being anticipated by King U.S. Patent No. Re. 27914.
27. **Regarding claim 17**, King discloses an access tower comprising a base 10, scissor lift means having a lower end mounted on the base 10 and a working platform 20 mounted at an upper end of the scissor lift means, the scissor lift means comprising two spaced-apart lazy tongs assemblies 24, 26, 30, 32 and further comprising a plurality of laterally extending bars 54 extending between the two lazy tongs assemblies 24, 26, 30, 32.
28. **Regarding claim 20**, King discloses wherein the scissor lift means comprises a laterally-extending bar 54 mounted on a linkage connected to one or both of the lazy

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tongs assemblies 24, 26, 30, 32 which causes the bar 54 to rise and fall with the scissor lift means.

29. **Regarding claim 21**, King discloses wherein the linkage may comprise two parallelogram linkages 44 located one on each of the lazy tongs assemblies 24, 26, 30, 32.

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. **Claim(s) 16** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Sikli U.S. Patent No. 4113065 in view of Clark U.S. Patent No. 4114854.

32. **Regarding claim 16**, Sikli is silent concerning wherein the support means is pivotally mounted on the access tower.

33. Clark teaches wherein a support means 70 is pivotally mounted on the access tower.

34. It would have been obvious to one of ordinary skill in the art at the time of the invention to pivotally mount the support means to the access tower to minimize the width of the lift.

Conclusion

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35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kishi U.S. Patent No. 4741413, Gary U.S. Patent No. 5105915, McLean et al. U.S. Patent No. 2890908, Stephens et al. U.S. Patent No. 3664459, Smith, Jr. U.S. Patent No. 4130178, Kempf U.S. Patent No. 5111912, Segal U.S. Patent No. 2645538, Shuford U.S. Patent No. 1261633.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654